UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY **CAMDEN VICINAGE**

IN RE: VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION

MDL No. 2875

Honorable Robert B. Kugler, District Court Judge

Oral Argument Requested

This Document Relates to All Actions

DEFENDANTS' JOINT MOTION TO STAY PROCEEDINGS PENDING APPEAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(f)

Defendants respectfully request a stay of proceedings pending the U.S. Court of Appeals for the Third Circuit's resolution of defendants' Rule 23(f) petitions for leave to appeal the Court's class certification order.

For the reasons set forth in the attached memorandum, the Court should stay all remaining class-related deadlines and proceedings until the Third Circuit resolves the petitions and (if it grants them) rules on the merits of the appeal.

Respectfully submitted, Dated: February 27, 2023

By: /s/ Jessica Davidson

Jessica Davidson (DC Bar No. 457021) (Admitted to Practice in Maryland and the District of Columbia; Not Admitted in New York)

Liaison Counsel for Manufacturer **Defendants** SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP One Manhattan West

New York, NY 10001

Telephone: (212) 735-3000 Facsimile: (917) 777-2588

jessica.davidson@skadden.com

Attorney for Zhejiang Huahai Pharmaceutical Co., Ltd., Huahai U.S., Inc., Prinston Pharmaceutical Inc., and Solco Healthcare U.S., LLC

Lori G. Cohen, Esq.
GREENBERG TRAURIG, LLP
Victoria Davis Lockard
Steven M. Harkins
Terminus 200
3333 Piedmont Rd., NE,
Suite 2500
Atlanta, Georgia 30305
Tel: (678) 553-2385
Fax: (678) 553-2386
cohenl@gtlaw.com
lockardv@gtlaw.com
harkinss@gtlaw.com

Gregory E. Ostfeld
Tiffany M. Andras
77 West Wacker Drive, Suite 3100
Chicago, Illinois 60601
Tel: (312) 456-8400
ostfeldg@gtlaw.com
andrast@gtlaw.com

Brian H. Rubenstein 1717 Arch Street, Suite 400 Philadelphia, Pennsylvania Tel: (215) 988-7864

Fax: (214) 689-4419 rubensteinb@gtlaw.com

Attorneys for Teva Pharmaceuticals

USA, Inc., Teva Pharmaceutical Industries Ltd., Actavis Pharma, Inc., and Actavis LLC

BUCHANAN INGERSOLL & ROONEY PC
Jonathan D. Janow
Jason R. Parish
1700 K Street NW
Suite 300
Washington, DC 20006

Tel.: (202) 452-7940 Fax: (202) 452-7989

Jonathan.Janow@bipc.com Jason.Parish@bipc.com

Counsel for Albertson's LLC

/s/ Devora W. Allon, P.C.

KIRKLAND & ELLIS LLP

Devora W. Allon, P.C.

Jay P. Lefkowitz, P.C.

Alexia R. Brancato

601 Lexington Avenue

New York, New York 10022

Tel: (212) 446-4970

Fax: (212) 446-6460

<u>Devora.allon@kirkland.com</u> <u>Lefkowitz@kirkland.com</u>

Alexia.brancato@kirkland.com

Attorneys for Torrent Pharmaceuticals Ltd. and Torrent Pharma Inc.

HARDIN KUNDLA MCKEON & POLETTO

/s/ Janet L. Poletto, Esq.
Janet L. Poletto, Esq.
NJ Attorney ID 024871980

Robert E. Blanton Jr., Esq. NJ Attorney ID 028392012 673 Morris Ave. Springfield, New Jersey 07081

Tel: (973) 912-5222 Fax: (973) 912-9212

Email: jpoletto@hkmpp.com Email: rblanton@hkmpp.com

Attorneys for Hetero USA Inc.

DORSEY & WHITNEY LLP

By /s/ Jennifer Coates
Jennifer Coates (MN #0388959)
coates.jennifer@dorsey.com
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402

Telephone: (612) 340-2600 Facsimile: (612) 340-2868

Attorneys for Defendant OptumRX and Optum, Inc.

/s/ Clem C. Trischler

Clem C. Trischler
Jason M. Reefer
Frank H. Stoy
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219
Tel: (412) 263-2000
cct@pietragallo.com
jmr@pietragallo.com
fhs@pietragallo.com

Member of Defendants' Executive Committee and Counsel for Mylan Laboratories Ltd., Mylan

Pharmaceuticals Inc., and Mylan N.V.

BARNES & THORNBURG LLP

Sarah E. Johnston, *Liaison Counsel for Retailer Defendants*Kristen L. Richer
2029 Century Park East, Suite 300
Los Angeles, CA 90067

Tel: (310) 284-3798 Fax: (310) 284-3894

sarah.johnston@btlaw.com Kristen.Richer@btlaw.com

Kara M. Kapke 11 S Meridian St. Indianapolis, Indiana 46204 Tel: (317) 236-1313 Fax (317) 231-7433 kara.kapke@btlaw.com

Attorneys for CVS Pharmacy, Inc. (incorrectly named as CVS Health Corporation), Rite Aid Corporation, Walgreen Co. (incorrectly named as Walgreens Co.), and Walmart Inc. (incorrectly named as Walmart Stores, Inc.)

Matthew D. Knepper
A. James Spung
Husch Blackwell LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
(314) 480-1500
Matt.knepper@huschblackwell.com
James.spung@huschblackwell.com

Counsel for Express Scripts, Inc.

D'Lesli Davis
Ellie Norris
NORTON ROSE FULBRIGHT US LLP
2200 Ross Avenue, Suite 3600
Dallas, Texas 75201-7932
Tel.: (214) 855-8000
dlesli.davis@nortonrosefulbright.com
ellie.norris@nortonrosefulbright.com

Counsel for McKesson Corporation

/s/ John P. Lavelle, Jr.
John P. Lavelle, Jr.
NJ Attorney ID 004891989
502 Carnegie Center
Princeton, New Jersey 08540

Tel.: (609) 919-6688 Fax: (609) 919-6701

Email: John.lavelle@morganlewis.com

/s/ John K. Gisleson

John K. Gisleson One Oxford Centre Thirty-Second Floor Pittsburgh, PA 15219-6401 (412) 560-3300 (telephone) (412) 560-7001 (facsimile) john.gisleson@morganlewis.com

> Attorneys for Aurobindo Pharma Ltd., Aurobindo Pharma USA, Inc., and Aurolife Pharma LLC

Andrew D. Kaplan
Daniel T. Campbell
Marie S. Dennis
Luke J. Bresnahan
Emily G. Tucker
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW

Washington, D.C. 20004 Tel.: (202) 624-2500 Fax: (202) 628-5116

Email: akaplan@crowell.com
Email: dcampbell@crowell.com
Email: dcampbell@campbell@campbell@campbell@campbell@campbell@campbell.com
Email: dcampbell@campbell@campbell@campbell.com
Email: dcampbell@campbell@campbell@campbell.com
Email: dcampbell@campbell.com
Email: dcampbell@campbell.com
Email: dcampbell@campbell.com
Email: dcampbell.com
Emailto: dcampbell.com
Emailto: dcampbell.com
Emailto: dcampbell.com
Emailto: <a href="mailto:dcampbell.co

Counsel for Cardinal Health, Inc.

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Walter H. Swayze, Esq.
Walter H. Swayze, Esq.
Andrew F. Albero, Esq.
550 E. Swedesford Road, Suite 270
Wayne, Pennsylvania 19087

Tel: (215) 977-4100 Fax: (215) 977-4101

Email: <u>Pete.Swayze@lewisbrisbois.com</u> Email: <u>andrew.albero@lewisbrisbois.com</u>

Attorneys for Camber Pharmaceuticals, Inc., and The Kroger Co.

HILL WALLACK LLP

/s/ Eric Abraham
Eric I. Abraham, Esq.
William P. Murtha, Esq.
HILL WALLACK, LLP
21 Roszel Road,
Princeton, NJ 08543-5226
(609) 734-6395
eabraham@hillwallack.com
wmurtha@hillwallack.com

Attorneys for Hetero Drugs Ltd. and Hetero Labs Ltd.

ULMER & BERNE LLP
/s/ Jeffrey D. Geoppinger
Jeffrey D. Geoppinger
312 Walnut Street, Suite 1400
Cincinnati, OH 45202-2409

Tel.: (513) 698-5038 Fax: (513) 698-5039

Email: <u>jgeoppinger@ulmer.com</u>

Counsel for AmerisourceBergen Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 27, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants in this matter.

/s/ Jessica Davidson

Jessica Davidson (DC Bar No. 457021) (Admitted to Practice in Maryland and the District of Columbia; Not Admitted in New York)